

## **TRANSCRIPT**

### **Press Call on Collecting Personal Criminal Justice History During the College Admissions Process**

**May 9, 2016  
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Coordinator: Welcome and thank you all for standing by. At this time, all participants are in listen-only mode until the question and answer of today's conference. At that time please press Star followed by the number "1" to ask a question and record your name clearly at the prompt.

This call is being recorded. If you have any objections, you may disconnect at this time. Now I will turn the call over to Ms. Dorie Nolt. You may now begin.

Dorie Nolt: Thank you and thank you everyone for joining us today. So today's call is on the record and you should've already the press release and a copy of the report that we put out called Beyond the Box.

On the call today we have Valerie Jarett from the White House, we have Secretary John B. King, Jr. and we have UC President Janet Napolitano. We'll open it up with a few remarks and then we'll open it up for question and answer. Valerie?

Valerie Jarrett: Thanks, Dorie. I appreciate it. And thanks everyone for joining the call. It's great to be here with colleague Secretary King and my former colleague, President Janet Napolitano -- both of who I've had the pleasure of working with over the years. And I'm just delighted to be a part of this announcement.

Reforming our criminal justice system has been one of President Obama's top priorities. He believes that if we reform our criminal justice system, our communities will be safer and our economy will be stronger. Yet it's clear that our criminal justice system does not align with what should be our country's values or priorities.

We have less than 5 percent of the world's population but about 25 percent of its prisoners. We spend here in the United States \$80 billion on incarceration every year. Six hundred thousand people are released from prison each year, and when Americans leave prison a large percentage of them end up returning.

As the White House Council of Economic Advisors recently reported, this does not make us safer. We can decrease crime far more effectively at much lower costs by investing in education and raising the minimum wage. In addition to being unjust, mass incarceration damages our economy.

To reform our system, we need to take a comprehensive approach. That's why President Obama laid out a strategy of reform in three areas: the community, the court room, and the cell block.

We're focusing on our communities because the roots of crime and incarceration are too often planted in underfunded schools and neighborhoods where jobs and opportunity are not available for all. We need to ensure that

every young person has a fair shot in life. We know that talent is ubiquitous but oftentimes opportunity is not.

We're focusing on our courtrooms, because too often Americans are put behind bars with sentences that do not fit the crime -- from children who are treated as adults to non-violent drug offenders locked up with overly harsh mandatory minimum sentences. And we are encouraged by the momentum we see in both the House and the Senate to produce meaningful sentencing reform bills for the President to sign into law.

And we're focusing on the cell block where Americans are too often released from prison only to be recycled through the same revolving prison doors. And again, we believe strongly that criminal justice reform, if done right, will make our community safer. Our current system wastes an enormous amount of human talent and endangers our communities in the process, and we cannot afford it.

A few weeks ago we observed National Reentry Week and focused on how we can ensure that when Americans leave prison, they're able to thrive as productive, law-abiding citizens. We recognize that we are less safe when the stigma of incarceration prevents Americans from truly ever shedding their prison jumpsuits when they leave prison with less ability to fulfill their responsibilities as citizens than when they've entered.

That's why we've partnered with more than 100 businesses across the country on the Fair Chance Business Pledge which represents a (unintelligible) option for all employers to improve their communities by eliminating barriers for those with criminal records and creating a pathway for a second chance.

And that's why we're thrilled today to announce a similar effort with colleges and universities across the country, because we need to not just break down barriers to employment, but also open up educational opportunities that many Americans do not have. And we know that those who have been a part of the criminal justice system very much need to have a solid education if we want them to get back on their feet as law abiding citizens, because that's what will lead to a good job.

So with that, I'm delighted to turn the call over to the secretary of education, John King, who will speak a little bit about what he intends to announce today. John?

John King: Thank you so much, Valerie. And thanks President Napolitano for joining us on this very important call.

As Valerie explained, since the beginning of the administration, President Obama has been committed to making our criminal justice system fair and more effective. He's committed to addressing the viscous cycle of poverty and crime and incarceration that weakens too many communities and traps too many Americans -- especially those who are low income and people of color.

We've been committed to these efforts because we know for our nation to lead in the 21st century, we need the full talents and energy of every American. As a country, this work is central to our character. We believe in second chances. That's why this administration has also made it a priority to help students involved in the criminal justice system benefit from the second chances that access to a quality education can make possible.

We know that people with criminal histories who have served their sentences continue to be part of our society, especially when nearly every person behind bars will one day leave prison -- approximately 600,000 people each year.

And while it's critically important that we expand opportunities for students who are currently incarcerated, it's also crucial for us to support individuals in our communities who have been involved in the justice system but are not currently incarcerated.

Today, roughly 70 million Americans have some form of criminal record where they have been arrested but not convicted, convicted but never incarcerated, or have previously been incarcerated. And we know that people of color are disproportionally represented in our justice system. Helping these Americans to achieve success by providing access to quality education and training opportunities is why social and criminal justice policy, smart economics, and a critically important investment in our future. Far too many individuals involved in the justice system face barriers in accessing these opportunities.

One of those obstacles is the collection and use of criminal justice information in the admissions processes for college and career training. And that's why today the U.S. Department of Education is releasing a Dear Colleague letter and guide to help colleges and universities design admissions policies that attract a diverse and qualified student body without creating unnecessary barriers for prospective students who have been involved with the justice system.

The guide acknowledges there are no one size fits all solutions, and includes questions that institutions can consider when reviewing their own admissions

policies and tailoring those policies to meet the needs of their particular context.

We're encouraging institutions to be self-reflective and consider asking key questions such as, does the institution have a policy or practice that produces an adverse impact on applicants who may have come into contact with the justice system? And are there alternative policies or practices that would meet the institution's stated educational goals with less of a discriminatory effect?

And of course, campus safety is absolutely paramount in this process. We remain committed to helping schools ensure a safe learning environment while also opening educational opportunities to students who may have been involved in the criminal justice system in the past.

This new guide marks a continuation of the Obama administration's commitment to mitigating collateral impacts of incarceration and criminal justice involvement, and further advances the goals of the President's My Brother's Keeper Taskforce to give youth and adults in the justice system a second chance.

It also builds off of previous work like our Second Chance Pell Pilot Program, which allows a limited number of incarcerated individuals to be eligible to receive Pell grants to pay for education and training. And the administration has encouraged larger employers to remove criminal justice questions from the early stages of the employment process as part of their efforts to promote fair hiring and equal opportunity.

Those who have paid their debt and served their sentences deserve a chance to learn and thrive, to make their lives better, and give back to their

communities. Working together, we can give them that chance and make our nation even stronger.

Thanks so much. And now I'll turn it over to President Napolitano.

Janet Napolitano: Well thank you, Secretary King, and thank you, Valerie, and thank you to the Obama administration for this important announcement. And also Secretary King I must say thank you for choosing one of our University of California campuses to make the formal announcement later today, UCLA.

The Beyond the Box initiative is important because it is about opportunity. It's about getting rid of barriers to the fulfillment of aspirations of millions of young men and women. And I agree with you, Secretary King that it's also smart economics and investment in the future health of the country.

Across the 10-campus University of California system, the largest public research university of the country, not a single campus asks applicants for admission to provide information about past arrests or criminal convictions. Our admissions directors see no need to do so. It's not relevant to the evaluation of an individual's qualifications for study at the University of California.

Our campuses take into account 14 factors as part of a comprehensive, holistic review that looks at various attributes that will contribute to academic success. There are better ways to ensure campus safety than stigmatizing those who are trying to better their lives through higher education.

The University of California represents opportunity, not punishment for past mistakes. So I wholeheartedly support the Beyond the Box Initiative and hope many colleges and universities will take advantage of the resource guide being

offered by the US Department of Education as part of the initiative today.

Thank so you much.

Dorie Nolt: All right. Thank you everybody for joining us. And so I want to open it up for questions. Operator, can you let everybody know how to queue up to ask a question?

Coordinator: Thank you. We will now begin the question and answer session. If you would like to ask a question, please press star followed by the number 1, unmute your phone, and do record your first and last name clearly at the prompt. Your name is required to ask a question.

To cancel your question, please press star followed by the number 2. One moment for the coming questions on queue.

Dorie Nolt: And Operator, can you be sure to say not only first and last name but outlet as well? Or organization that the person's with?

Coordinator: That is noted.

Dorie Nolt: Thank you.

Coordinator: We do have two questions on queue at this time. The first one is coming from the line of Robin Hattersley from Campus Safety Magazine. Your line is now open.

Robin Hattersley: Hello. Thank you for taking my call. I know a lot of our readers are college administrators, campus public safety officials. And they're under a lot of pressure to address safety and security issues. And as people who have been in the criminal justice system may present some of those challenges for them,



how - are you providing any sort of resources for them so that they can guarantee safety and security of the other students, or some way to monitor students who may be on parole, things like that?

John King: This is Secretary King. Let me start and then perhaps President Napolitano can add. Of course, campus safety is a priority for the Department and for the country. There's really no conclusive research evidence to suggest that folks who have been involved in the criminal justice system are more likely to be a threat to campus safety. And in fact, places like University of California that have had long term practice of not asking these questions have not seen a negative effect on campus safety.

That said, the Beyond the Box Guide really is about a process that we want universities to go through to reflect on their policies. For example, a particular question on a specific matter might be asked later in the process after students have gone through the regular admissions review. And a university may decide to ask a specific question about a specific issue when making housing policy decisions later in the process.

So this is really about universities being thoughtful. And you'll see in the Guide that we offer some best practices from around the country that we think will inform universities' analysis.

Janet Napolitano: Yes. Secretary King has it exactly right. The key factor of Beyond the Box is that past criminal arrest or conviction should not be a deterrent to the application process -- which I think it can be. It's one of the reasons why the University of California doesn't use it.

You know, campus safety -- once students are admitted, there's a whole process that takes place in respect to those issues. But I would also caution

that there's a lack of data that firmly connects involvement with the criminal justice system early in a young person's life with being a safety risk once they're actually on the campus.

Dorie Nolt: All right. Operator, next question please.

Coordinator: Thank you. One moment please. The next question is coming from the line of Christine Armario from Associated Press. Your line is now open.

Christine Armario: Hi. Thank you for taking my question. I have two, actually. The first is do you have any sense of what percentage of colleges currently do inquire about a criminal record? And are you saying that your preference is that colleges not inquire about a criminal record at all? And if they do, then they follow the recommendations in this report?

John King: You know, we know that for example the common application which is used by many universities asks a question about prior criminal justice involvement. They are actually changing their question as a result of the learning that they and their participating institutions have one to narrow the question. And we talk about that example in the guide.

There have been some surveys of universities that suggest that even a majority of universities in those surveys asked these questions. And unfortunately, many fewer provided training for their staff on how to evaluate the answers to the questions.

So again, our goal with this guide is really to inform how universities think about these issues. It's not a one size fits all solution. It's a resource for them.

Christine Armario: Thank you.

Dorie Nolt: Christine, what was your second question? I...

Christine Armario: Yes, he just answered it. I essentially wanted to know if the preference basically here was the colleges don't inquire at all about a criminal record or if you were more pushing on just to consider alternatives.

John King: It's really, again, there's no one size fits all solution. As President Napolitano described, the University of California doesn't ask this question in the application process and has had success with that approach. We offer a variety of models in the guide from around the country. In one of the key decision points for universities to think about, is the question and how it's asked essential to their educational mission? And if not, can they change their approach in a way that maximizes opportunity for students?

Christine Armario: Thank you.

Janet Napolitano: This is Janet Napolitano. I apologize but as I alerted my colleagues, I'm going to have to drop off now. But thank you all, and congratulations, Valerie and Secretary King. I think this is a great initiative.

John King: Thanks, President Napolitano.

Janet Napolitano: Yes. Bye-bye.

Dorie Nolt: Operator, let's move onto the next question, please.

Coordinator: Thank you. Before that, once again as a reminder if you wish to have a question or ask a question, you may press star followed by the number 1. Thank you. One moment, please, for the next question.

The next question is coming from the line of Kim Hefling from Politico. Your line is now open.

Kim Hefling: Thank you for your time this morning. My question is directed to Valerie Jarrett and Secretary King. Can I please get the administration's response to the Governor's decision in North Carolina to file suit today over the federal government's handling on House Bill 2?

Valerie Jarrett: This is Valerie Jarrett. Because this is a matter that's being handled by the Justice Department, the White House doesn't get involved in enforcement actions. And so we would really suggest you talk directly to Loretta Lynch for any response to the lawsuits. It's an ongoing litigation matter open.

Dorie Nolt: Operator, next question please.

Coordinator: Thank you. The next question is coming from the line of April Ryan from American Urban Radio Network. Your line is now open.

April Ryan: Good morning. Thank you for doing this call. Valerie and Secretary King, could you talk to me about how you plan or should there be, if there is something in the guide, to kind of help quell any kind of concern from general campus populations of this new initiative that's happening?

Valerie Jarrett: I'll start, April and then turn it over to the Secretary. I think, as Janet Napolitano said best and also Secretary King mentioned, there isn't any evidence that would indicate that colleges and universities who follow this practice historically have any higher levels of crime.

And so safety is the most important factor for our college campuses. We also want to ensure that returning citizens have a second chance and develop the tools that they need to go on and lead productive lives. And everybody recognizes that education is a key to that process.

We believe based on the evidence that we can do both.

John King: The only thing I would add to what Valerie said is that the Guide really tries to talk through how universities can do this in a thoughtful way. There are universities that have a special committee to review issues that emerge at later stages in the process after students are admitted and are completing the forms that might be required for campus housing.

This is really about a thoughtful approach to ensuing educational opportunity and campus safety. They're not in tension; universities can do both.

April Ryan: Thank you.

Dorie Nolt: Operator, we have time for one more question.

Coordinator: Thank you. We do have the next question is coming from the line of Barrington Salmon from Washington Informer. Your line is now open.

Barrington Salmon: Hi. Good afternoon. Good morning. Thank you for this and for taking our questions. I had two questions. One, I was wondering if there are any age restrictions for the applicants that you're talking about. And I also wanted to know what types of restrictions or guidelines you have to help returning citizens get programs.

John King: Can you repeat the question? We had a hard time hearing you.

Barrington Salmon: I'm sorry. I was saying that I wanted to know if there are age restrictions for the applicants who are going to college that could end up going to college, and also what requirements or guidelines you have that would make these returning citizens eligible for the Pell grant?

John King: Great, thanks. So, two points on that. One is that there aren't age restrictions. I will say it is important for universities to consider to the extent that they are going to ask a question about criminal justice involvement, perhaps at a later stage in the process -- not in the admissions process but later on -- one of the best practices we point to around the country is restricting that to more recent events because there's very clear research evidence that crimes that someone may have committed early in their life are not likely to repeat 10, 20 years later.

And so one of the things a university can do to improve their process is to narrow the scope of their question about criminal justice involvement.

With respect to Pell, returning students are eligible for Pell grants. We have a pilot initiative to allow students who are currently incarcerated to access Pell grants. The one element I will mention is that there is a requirement in law around eligibility when a student has committed a drug offense while currently receiving student aid. And that's a requirement (current law). I know there are proposals in Congress to change that. There are restrictions associated with again a drug conviction while one is receiving federal aid. And that's a question that is asked on the FAFSA form.

But our view is that we should try to make it possible for folks who are returning to have access to educational opportunities. We know it's going to

reduce recidivism rates. It's going to allow them to be better contributors to their families and community.

Barrington Salmon: Okay. Thank you, sir.

Coordinator: Thank you.

Dorie Nolt: Operator, I think we have time for one more and I think CQ was queued up for that.

Coordinator: That is noted. One moment, please. The last question we have is for Emily Wilkins coming from CQ Roll Call. Your line is now open.

Emily Wilkins: Hi. Thank you guys so much for taking my question today. I wanted to ask a little bit if this connects at all to the opioids? I know that there's a provision in the Senate Opioid Bill that would deal with applicants that were convicted of sales of illegal drugs. I just wondered if the Department was focusing at all on that in particular with this move, or how that kind of ties into what the Department is doing today?

John King: Valerie may want to add to this, because I know she's been working on the opioid issue specifically. But I will say as a general matter, many of the Americans who have criminal convictions or past criminal justice involvement have that involvement because of non-violent drug offenses. And the current opioid crisis is yet another illustration of that.

When folks have had those arrests or convictions for a non-violent drug offense and they have gotten treatment and are looking for opportunities to advance in their education and their professional lives. We don't believe that

should be an obstacle, those past, non-violent drug offenses should be an obstacle.

As I mentioned, there is this requirement in law with respect to the federal aid and convictions while receiving federal aid. But again, Congress has proposals to potentially adjust that.

Emily Wilkins: Thank you so much.

Dorie Nolt: All right everyone. That's all we have time for. Thank you so much for joining us today. If you have follow up questions, please email [press@ed.gov](mailto:press@ed.gov).

Coordinator: Thank you. That concludes today's conference. Thank you all for your participation. All participants may disconnect at this time.

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